

## **Summary of Montana's Tuition Laws (page 1)**

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			Who Pays Tuition?		Maximum Tuition Rate Charged				
Situ	ation	Mandatory or Discretionary? (MCA 20-5-320 & 321)	Parent/Guardian/C aretaker Pays District of Attendance	District of Residence Pays District of Attendance	OPI Pays District of Attendance	State of MT (DPHHS or Dept. of Corrections) Pays Facility Directly	Regular Education	Students Without Disabilities, with Higher than Average Costs of Services	Special Education (IEP)
Closer to District of Choice, at		021)						egular education tution rate, up to	District of Attendance's regular education tuition
least 3 mi. from District of Residence, and District of Residence, and District of Residence offers NO bus transportation and NO parental mileage reimbursements (See NOTE A).		Mandatory ( <b>See NOTE B)</b> MCA 20-5-321 (1)(a)		<b>X</b> MCA 20-5-324 (5)(a)				of Per-Student Entitlement (MCA	rate, up to State's tuition cap of 20% of Per- Student Entitlement, PLUS special ed "add-on" rate (ARM 10.16.3818) (MCA 20-5-323)
Geographic Barr	rier prohibits						District of Attendance's re	egular education tution rate, up to	District of Attendance's regular ed tuition rate,
student from attending school in district of residence		Mandatory (See NOTE B) MCA 20-5-321 (1)(b)		<b>X</b> MCA 20-5-324 (5)(a)			State's tuition cap of 20% of Per-Student Entitlement (MCA 20-5-323) up to State's tuition cap of 20% of Per-Student Entitlement, PLUS special ed "add-on" rate (ARM 10.16.3818) (MCA 20-5-323)		
Elem student has a sibling who must attend own high school where another elem district is located, and parent chooses that elem school for convenience.		Mandatory (See NOTE B) MCA 20-5-321 (1)(c)	<b>X</b> MCA 20-5-324 (5)(b)				District of Attendance's tuition rate set by Board Policy, up to State's Tuition cap of 20% of Per-Student Entitlement (MCA 20-5-323)		
Placement by a state agency or court and/or placement in a foster care / state licensed group home		Mandatory MCA 20-5-321 (1)(d) & (1)(e)			<b>X</b> MCA 20-7-420 (2)	X Out-of-State Residential Treatment Facilities Only MCA 20-7-422 (3)	District of Attendance's regular education tution rate, up to State's tuition cap of 20% of Per- Student Entitlement (MCA 20-5-323)	Actual costs, less 80% of Per- Student Entitlement, limited to \$2500 (MCA 20-5-323)	District of Attendance's regular education tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement, PLUS special ed "add-on" rate (ARM 10.16.3818) (MCA 20-5-323)
Parental Choice			X MCA 20-5-324 (5)(b)			District of Attendance's regular education tution rate, up to State's tuition cap of 20% of Per-Student Entitlement (MCA 20-5-323)			
					MT's Interstate reciprocal agreement rate, if any. If no agreement, parent negotiates rate with out-of-state district (See NOTE C).				
Trustee In-State Placement - Special Education (IEP)		Discretionary		X					District of Attendance's regular ed tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement, PLUS special ed "add-on" rate (ARM 10.16.3818) (MCA 20-5-323)
	In-State Private Day Treatment Pgm (See NOTE D)	MCA 20-7-421 (1)		MCA 20-5-324 (5)(a)					Placing district negotiates rate with the private program.
	Out-of-State Public School	Discretionary MCA 20-7-422 (1)		<b>X</b> MCA 20-7-422 (2)	· · · · · · · · · · · · · · · · · · ·				Placing district negotiates rate with out-of-state district.
Trustee Placement - Regular	In-State	Discontinue		X				egular education tuition rate, up to of Per-Student Entitlement (MCA	
Education Out-of-State		Discretionary MCA 20-5-320 (8)		MCA 20-5-324 (5)(a)				uition rate limited to average cost strict (MCA 20-5-323(4)).	



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Homeless child as defined by Stewart B. McKinney Homeless Assistance Act (PL100-77)	Mandatory (MCA 20-5-101)		None (MCA 20-5	, -101)			Zero∙ (MCA 28-5∗10	$\eta$
Resident students detained in an out-of-district youth detention facility	Mandatory		<b>X</b> (MCA 20-9-130 and 41-5-1807)				ly "tuition", the District of Residel 9 consecutive days to help cove	nce may be charged \$20 per day for each r the costs (MCA 41-5-1807)



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		Accounting		
1		District of Residence	District of Attendance	
		Finance tuition from Tuition Fund (X13)	Deposit transp receipts (regular ed) to Trans Fund (X10-1410)	
		Finance transportation from Trans Fund (X10)	Deposit transp receipts (special ed) to Trans Fund (X10-1420)	
Situ	ıation			Notes
Closer to Distric		In-state tuition payments: X13-XXX-1XXX-561	Regular Ed & Students w/o disabilities, but higher than	110100
least 3 mi. from	District of	In-state transportation payments: X10-XXX-27XX-51X	average costs of services:	
Residence, and		Out-of-state tuition payments: X13-XXX-1XXX-562	Any tuition received that exceeds the tuition received during the	
Residence offer transportation a		Out-of-state transp payments: X10-XXX-27XX-512	prior year may be deposited in the Misc. Programs Fund	
mileage reimbur			(X15-1320-XXX) using a unique project reporter code, and	
(See NOTE A).			must be spend by the end of the current fiscal year. For the	
			ensuing year, the receipts must be credited to the General	
Geographic Bar	ending school in		Fund (X01-1320).	<b>NOTE A:</b> This situation only applies if the district
district of reside			Special Education (IEP):	does not offer bus routes and does not offer mileage
			Tuition received for a special education (IEP) student that exceeds the amount for regular ed students may be deposited	reimbursements for any students.
Elem student ha	as a sibling who		to the Misc. Programs Fund (X15-1320-XXX) using a unique	NOTE B: Trustees of District of Choice may
must attend owr			project reporter code.	disapprove agreement if overcrowding exists or if
where another e				school's accreditation standards would be adversely
	rent chooses that			affected by the student's attendance (does not include
elem school for	convenience.			special education (IEP) students). MCA 20-5-321 (4)
Discourant house	-1-1-			NOTE C: Montana does not currently have any
	state agency or cement in a foster		*Payments from OPI for state agency, court, foster care,	reciprocal tuition agreements with other states. No agreements have been made for several years and none are expected.
	nsed group home		and state licensed group home placements: The same limitations from above apply, but must account for	
	0 1		revenues using revenue code 3117	<b>NOTE D:</b> A placing district may pay using the district
			levenues using revenue code 5117	tuition fund for private day treatment programs under
				MCA 20-5-324. For other private programs, the
				placing district must use the general fund.
Parental			*Tuition Receipts from individuals (X01-1310)	
Choice	In-State	· · · · · · · · · · · · · · · · · · ·		
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Trustee	Out-of-State In-State	Tuitian naumanta, V12 200 1VVV 501		
Placement -	Public School	Tuition payments: X13-280-1XXX-561 Transportation payments: X10-280-27XX-51X		
Special		Transportation payments. A10-200-27AA-51A		
Education (IEP)				
	In-State	Tuition pymts (day treatment): X13-280-1XXX-320		
	Private Day	Tuition pymts (other private prog) X01-280-1XXX-320		
	Treatment Pgm	Transportation payments: X10-280-27XX-51X		
	(See NOTE D)	OPI reimburses under MCA 20-5-324 (2)		
	Out-of-State Public School	Tuition payments: X13-280-1XXX-562		
	Fublic School	Transportation payments: X10-280-27XX-512		
Trustee	In-State	OPI reimburses under MCA 20-5-324 (2) Tuition payments: X13-1XX-1XXX-561	Regular Ed & Students w/o disab, but higher than avg	
Placement -	m-State	Transportation payments: X10-1XX-27XX-511	costs of services: Any tuition rec'd that exceeds tuition rec'd	
Regular		Transportation payments. A10-1/A-2/AA-311	during prior year may be deposited in Misc. Programs Fund	
Education	Out-of-State	Tuition payments: X13-1XX-1XXX-562	(X15-1320-XXX) using a unique project reporter code, and	
		Transportation payments: X10-1XX-27XX-512	must be spent by the end of the current fiscal year. Ensuing	
		OPI reimburses under MCA 20-5-324 (2)	year, receipts must be credited to General Fund (X01-1320).	
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	Accounting		
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Situation			Notes
Homeless child as defined by Stewart B. McKinney Homeless Assistance Act (PL100-77)	Not applicable	The trustees shall assign and admit a child who is homeless to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.	
Resident students detained in an out-of-district youth detention facility	Fees to Detention Facilities: X13-1XX-1XXX-563 At the end of the school year, the county operating the facility calculates the number of days each student was detained and the total charge. The facility reports that information to each student's resident school district by June 30. The resident school district must pay the billed amount to the county operating the detention facility by July 15 using the district Tuition Fund (13). The resident district then budgets the amount in the Tuition Fund in the same fiscal year. (MCA 41-5-1807)		